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181

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,956	01/14/2004	Donald H. Stowe JR.	030035	3775
9961	7590	05/16/2005	EXAMINER	
PAUL A. BECK & ASSOCIATES SUITE 100 1575 McFARLAND ROAD PITTSBURGH, PA 15216-1808			RINEHART, KENNETH	
		ART UNIT		PAPER NUMBER
				3749

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/756,956	STOWE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kenneth B Rinehart	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G.213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,11,12,14 and 21 is/are rejected.
- 7) Claim(s) 4-10,13 and 15-20, 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No: \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/1/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection. Regarding claim 21, Paragraph 19 only refers to calcium hydroxide as being dry. Paragraph 20 teaches away from a dry powder. Paragraph 56 does not indicate a preferred dry alkaline admixture. Paragraph 49 does not indicate dry solid particles. (paragraph 55) Pneumatically can apply to other than dry products. Paragraph 57 does not discuss that the product is dry.

***Claim Objections***

Claims 5 and 22 are objected to because of the following informalities: Claim 5 and 212 repeat the same limitations. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 21 refers to the alkaline admixture having a coating agent is in a dry form which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 3749

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or, in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11, 12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashworth et al (5967061). Ashworth shows A process for reducing the amount of a pollutant in a flue gas resulting from combustion of fossil fuel in a boiler comprising: (a) providing an alkaline admixture having a coating agent that improves dispersability and delays calcination of the alkaline admixture within a combustion zone; and (b) introducing the alkaline admixture to the boiler to create a reaction that reduces the amount of the pollutant in the flue gas (col. 6, lines 61-67, col. 7, lines 1-22, fig. 1), the alkaline admixture is comprised of CaO, CaCO<sub>3</sub>, MgO and MgCO<sub>3</sub> (col. 7, lines 1-22) a physical size of the alkaline admixture is greater than 50% minus 200 mesh (col. 7, lines 26-27), providing an alkaline admixture having a coating agent that improves dispersability and delays calcinations of the alkaline admixture within a combustion zone; and adding the alkaline admixture to a fossil fuel feed and thereby introducing the alkaline admixture to the boiler to create a reaction that reduces the amount of the pollutant in the flue gas (col. 6, lines 61-67, col. 7, lines 1-22, fig. 1).

***Allowable Subject Matter***

Claims 4-10, 13, 15-20, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr

  
KENNETH RINEHART  
PRIMARY EXAMINER